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PATENT

Attorney Docket No. 504312
Client Reference No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wayne G. Dahulich

Application No.: 10/726,065

Art Unit: 3636

Filed: December 2, 2003

Examiner: Tamara L. Graysay

For: TENT WITH INTERNAL SUPPORT

DECLARATION UNDER 37 C.F.R. §1.132

Dear Sir:

1. I am currently employed at Johnson Outdoors Inc. (hereinafter "JOI"), the assignee of the instant application, and my current title is Research and Development Manager. I have been employed by JOI for the past 17 years in various positions, including Marketing and Sales Administrator (2 years), Marketing Manager (including oversight of all large tent design projects including tension tents – 2 years), Production Manager (10 years), and Research and Development Manager (3 years). In these various positions I have always worked with large tent designs, including traditional frame tents and tension tents from 40' to 120' wide.

2. As a result of my prior experience and current job responsibilities, I am very familiar with the terminology used by skilled artisans in the tent art, frame tents, tension tents, and the modular general purpose tent system (MGPTS) that is the subject of the instant application. I am also thoroughly versed with the underlying inventions covered by the instant application, as well as the disclosure thereof.

3. I have been informed that the U.S. Patent and Trademark Office has taken the position that at least one of the claims currently pending in the instant application contains new matter because the term "tensioned" tent is not contained in the originally filed specification. I have also been informed that the current response to the Official Action has changed the term "tensioned" to "tension" to better comport with the terminology used in the tent art.

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In re Appln. Of: Wayne G. Dahulich
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4. I have been informed that the U.S. Patent and Trademark Office has taken the position that at least one of the claims currently pending in the instant application contains new matter because the term "double-D profile portion" is not contained in the originally filed specification.

5. I have been informed that the U.S. Patent and Trademark Office has taken the position that at least one of the claims currently pending in the instant application contains new matter because the term "pivotally attached" is not contained in the originally filed specification.

6. I make this Declaration to explain that those skilled in the tent art would understand that the tent illustrated in Figures 1 and 2 of the instant application is a "tension tent" as that term is commonly used in the art, that the profile of item 37 illustrated in Figure 8 is a "double-D profile" and that the configuration described in originally filed paragraph [0033] and illustrated in Figures 5 and 6 is a "pivotal attachment." As such, I believe that a skilled artisan would have understood that Mr. Dahulich was in possession of the claimed invention at the time of filing the instant application.

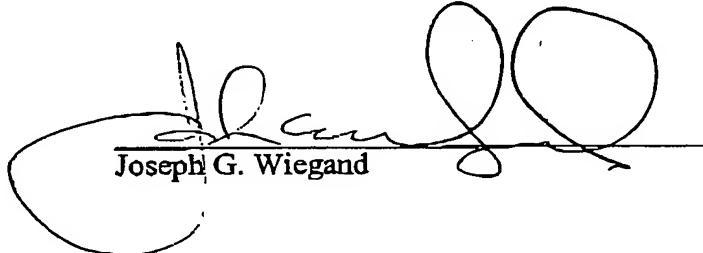
7. From an inspection of the originally filed Figure 1 and 2 it is clear that guy lines are used to hold each of the supporting end poles and arched upright. There are no structural or support members that connect the internal arches to each other or to the end poles as is the case with a "frame tent." It is also clear that the structure illustrated in Figure 1 requires tensioning of the guy lines to allow the tent to remain erect. Without structural connections to each of the arch and end pole components, the structure cannot function as a freestanding tent. These are all features of a "tension tent" as that term is used in the art, and distinguishes the structure of Figure 1 and 2 from a frame tent.

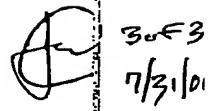
8. The profile of item 37 illustrated in the originally filed Figure 8 is commonly described as a "double-D" profile because it resembles a structure that is constructed from two back-to-back capital letter D's. While a double-D profile is generally rectangular, two of the opposing sides are arched or curved as illustrated in Figure 8.

9. It is well known that attaching a member by a single point, such as member 52 by bolt 51 (originally illustrated as reference numeral 62 in Figures 5 and 6 and corrected to reference numeral 51 in the response filed April 11, 2006), will allow that member to pivot about that attachment point, unless some other structure would prohibit such pivoting. From an observation of Figures 5 and 6 it is clear that the standoff 52 will pivot about bolt 51, and that the extent of such pivoting will be limited by interference with the fastener located to the right of bolt 51 in Figure 5 and to the left of bolt 51 in Figure 6. That is, as illustrated in Figure 6, the standoff can only rotate or pivot counter-clockwise from its illustrated position until it contacts spacer 53 of the fastener located immediately to the left of bolt 51.

10. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 7/31/06


Joseph G. Wiegand


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7/31/06